

Chapter ATCP 128

ACADEMIC MATERIAL UNFAIR TRADE PRACTICES

ATCP 128.01 Definitions.
ATCP 128.02 Prohibited practices.

ATCP 128.03 Exemptions.

Note: Chapter Ag 128 was renumbered chapter ATCP 128 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Note: This chapter is adopted under authority of s. 100.20 (2), Stats., and is administered by the Wisconsin department of agriculture, trade and consumer protection. Violations of this chapter may be prosecuted under s. 100.20 (6), 100.26 (3) or (6), Stats. A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20 (5), Stats., and may recover twice the amount of the loss, together with costs and reasonable attorneys' fees.

ATCP 128.01 Definitions. (1) "Academic material" means any document, writing, typed paper, recording, tape, program, photocopy, microfilm, printed matter, or other item capable of being read or heard, and of being submitted as original work product for academic credit or in fulfillment of academic requirements, notwithstanding the need to re-type, or re-transcribe them or the need for modifications which do not substantially affect the authorship of the original writer.

(2) "Person" means any individual, partnership, corporation, association, business organization or entity.

History: Cr. Register, August, 1974, No. 224, eff. 9-1-74.

ATCP 128.02 Prohibited practices. No person shall engage in the following unfair methods of competition or unfair trade practices:

(1) Offer to prepare, cause to be prepared, prepare, furnish, offer to sell, advertise or cause to be advertised for sale, or sell any academic material, as defined herein, with the knowledge or under circumstances in which the person should have reason to know,

that the academic material is intended to be submitted by the purchaser or another as an original work product for academic credit from, or in fulfillment of the academic requirements of, any public or private college, university, or other institution of learning in this state.

(2) Represent, in connection with the sale, or offering or advertising for sale of academic materials that:

(a) The original purchaser's name will remain anonymous or not be disclosed by the seller, or

(b) The material will not be sold or otherwise distributed in the purchaser's academic community in a way which would show or be likely to show that the purchaser of the materials was not the author thereof.

History: Cr. Register, August, 1974, No. 224, eff. 9-1-74.

ATCP 128.03 Exemptions. Nothing contained in this chapter shall prevent any person from providing tutorial assistance, research material, information or other assistance to persons enrolled in any public or private college, university, or other institution of learning in this state, which are not academic materials or to be used as academic materials as defined herein. Nor shall any person be prevented by this chapter from rendering services for a fee which include the typing, assembling, transcription, reproduction or editing of a manuscript or other assignment not prepared as academic materials by such person at the request of or on behalf of the purchaser.

History: Cr. Register, August, 1974, No. 224, eff. 9-1-74.